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10/775,867	02/10/2004	Shinnosuke Nagasawa	MAT-8505US	1176
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RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980				SCHNURR, JOHN R
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/775,867	<b>Applicant(s)</b> NAGASAWA ET AL.
	<b>Examiner</b> John R. Schnurr	<b>Art Unit</b> 2621

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 10 February 2004.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-29 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-29 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date 02/10/2004.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to Application No. 10/775,867 filed 02/10/2004. Claims 1 – 29 are pending and have been examined.
2. The information disclosure statement (IDS) submitted on 02/10/2004 was considered by the examiner.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 3, 4, 6, 8, 13, 21, 26, 27 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Haughawout et al. (US Patent Application Publication 2003/0117427).

Consider claim 1, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

An interactive remote control unit for controlling a device to be controlled through bi-directional wireless communications (**portable electronic device 10**), the unit comprising:

- a) a receiver for receiving a signal via the device to be controlled; (**Device 10 receives a signal from an external computer, see paragraph [0023].**)

- b) a display for displaying information contents of the signal received at the receiver; (**Device 10 contains a touch screen display, see paragraph [0016].**)
- c) an entry section for accepting input data with respect to the information shown on the display; (**Device 10 may be controlled via hard or soft keys, see paragraph [0020].**)
- d) a transmitter for transmitting operation data for the device according to the input data; (**Command codes are transmitted from device via a transmission circuit, see paragraph [0018].**) and
- e) a controller for governing the receiver, the display, and the transmitter. (**Device 10 is controlled by a processor which executes stored instructions, see paragraph [0016].**)

Consider **claim 2**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**), wherein in response to a request through the entry section, for selecting specific content among the information contents shown in the display, the display shows details of the content specified. (**Fig. 6 shows a display of additional information in response to a user input, see paragraph [0030].**)

Consider **claim 3**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 2 (**portable electronic device 10**), wherein the content shown in the display includes at least any one of a text data, a still image, and a motion picture. (**Fig. 6 shows the content being displayed as text data.**)

Consider **claim 4**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1(**portable electronic device 10**), wherein the device to be controlled is a digital-broadcasting receiver, and the signal contains program arrangement information required for creating an electronic program guide (EPG). (**Device 10 displays an EPG obtained from a digital cable signal, see paragraph [0024].**)

Art Unit: 2621

Consider claim 6, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**), wherein the device to be controlled is a digital-broadcasting receiver, and the signal contains a still image data for an EPG. (**Device 10 receives EPG information, which may include still images as seen in Fig. 6, from a client device which may include a digital broadcasting receiver, see paragraph [0024].**)

Consider claim 8, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**), wherein the device to be controlled is a digital-broadcasting receiver, and the signal contains information on data-broadcasting program guide. (**Device 10 receives EPG information, which may include still images as seen in Fig. 6, from a client device which may include a digital broadcasting receiver, see paragraph [0024].**)

Consider claim 13, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**), wherein the transmitter and the receiver communicate with the device to be controlled under communication standards of any one of Bluetooth, 802.11b, 802.11a, 802.11g, and ZigBee. (**The hand-held device with remote control capabilities 1150 of Fig. 1 can use Bluetooth or 802.11 to communicate with the host, see paragraph [0035].**)

Consider claim 21, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**), wherein the display shows contents data of the information by an operator's action of any one of i) touching the unit; and ii) operating the unit. (**Fig. 6 shows the device displaying additional data in response to a user input, see paragraph [0030].**)

Consider claim 26, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**), wherein the entry section includes a touch panel formed on the display section. (**Device 10 includes a touch screen display, see paragraph [0016].**)

Consider **claim 27**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 21 (**portable electronic device 10**), the display shows details of the contents data in response to a request entered through the entry section. (**Fig. 6 shows the device 10 displaying additional information in response to a user input, see paragraph [0030].**)

Consider **claim 29**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**), wherein the display contains a plurality of sub-windows, each of which bears different information. (**Device 10 is capable of utilizing an operating system such as "Windows CE" which is capable of displaying content in different windows, see paragraph [0021]. Fig. 6 shows an example of a multiple window display.**)

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims **16, 17, 18, 19, 20, 22, 25 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Haughawout et al. (US Patent Application Publication 2003/0117427)** in view of **Lilleness et al. (US Patent Application Publication 2003/0048295)**.

Consider **claim 16**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**)

However, Haughawout et al. do not explicitly teach displaying advertisements with the content shown on the portable electronic device. Specifically, Haughawout et al. do not teach:

wherein the display further shows ads information, with the information contents and the selected content being displayed.

In the same field of endeavor Lilleness et al., which discloses a system for controlling a television system using a portable electronic device with display, clearly teaches:

wherein the display further shows ads information, with the information contents and the selected content being displayed. (**The programming guide of device 10 can include advertisements as shown in Fig. 16, see paragraph [0039]. Lilleness et al**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have displayed advertising with the content displayed on the portable electronic device, as taught by Lilleness et al., in the system disclosed by Haughawout et al. for the advantage of allowing an MSO to advertise a service the customer does not subscribe to, see paragraph [0039] of Lilleness et al.

Consider claim 17, Haughawout et al. combined with Lilleness et al., as in claim 16, clearly teach a system for controlling a device using a portable electronic interactive unit with displayed advertisements;

The interactive remote control unit as defined in claim 16 (**portable electronic device 10**), wherein the ads information is formed at least any one of i) text information; ii) a still image; and iii) a motion picture. (Fig. 16 shows the advertisement described in paragraph [0039] as comprising text information. Lilleness)

Consider claim 18, Haughawout et al. combined with Lilleness et al., as in claim 16, clearly teach a system for controlling a device using a portable electronic interactive unit with displayed advertisements;

The interactive remote control unit as defined in claim 16 (**portable electronic device 10**), wherein the ads information are displayed any one of on a periodical and a continuous basis. (The advertisements may be displayed periodically when certain shows are being or about to be broadcast, see paragraph [0039]. Lilleness et al.)

Consider claim 19, Haughawout et al. combined with Lilleness et al., as in claim 16, clearly teach a system for controlling a device using a portable electronic interactive unit with displayed advertisements;

The interactive remote control unit as defined in claim 16 (**portable electronic device 10**), wherein in response to a request entered through the entry section, the display stops showing the ads information. (Advertisements can be opened in a separate “pop-up” window, see paragraph [0048] of Lilleness, which may be closed through user interaction with the entry section.)

Consider claim 20, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**)

However, Haughawout et al. do not explicitly teach the information contents provided to the user being no-charge or charged. Specifically, Haughawout et al. do not teach:

wherein the information contents contain at least any one of no-charge service information and charged service information

In the same field of endeavor Lilleness et al., which discloses a system for controlling a television system using a portable electronic device with display, clearly teaches;

wherein the information contents contain at least any one of no-charge service information and charged service information. (The service provided to the user may be a subscription service, see paragraph [0038] of Lilleness.)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided charged service information to the portable handheld device of the user, as taught by Lilleness et al., in the system disclosed by Haughawout et al. for the advantage of supplying services, such as video on demand, to those who subscribe to the service, see paragraph [0038] of Lilleness et al.

Consider **claim 22**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 21 (**portable electronic device 10**)

However, Haughawout et al. do not explicitly teach displaying text information when the information is a video on demand service. Specifically, Haughawout et al. do not teach:

wherein the information is provided as a video-on-demand service, the display shows at least any one of i) text information, ii) a still image, and iii) a motion picture in order to introduce the contents data.

In the same field of endeavor Lilleness et al., which discloses a system for controlling a television system using a portable electronic device with display, clearly teaches;

wherein the information is provided as a video-on-demand service, the display shows at least any one of i) text information, ii) a still image, and iii) a motion picture in order to introduce the contents data. (Display area 150 of Fig. 15 shows text information for a VOD service, see paragraph [0038] of Lilleness)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have displayed text information when the information was a video on demand service, as taught by Lilleness et al., in the

system disclosed by Haughawout et al. for the advantage of identifying the video on demand service, see paragraph [0038] of Lilleness et al.

Consider **claim 25**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 21 (**portable electronic device 10**), further includes a timer for obtaining at least any one of

- i) time elapsed since the display has shown the contents data; and
- ii) time elapsed since a previous operation on the remote control unit, **(Device 10 includes a timer, see paragraph [0016])**

However, Haughawout et al. do not explicitly teach switching the displayed contents after a certain time period. Specifically, Haughawout et al. do not teach:

wherein the controller requests the display, at a conclusion of a predetermined period of time, so as to perform any one of following operations:

- i) having blanked display; and
- ii) switching the contents data to different contents data.

In the same field of endeavor Lilleness et al., which discloses a system for controlling a television system using a portable electronic device with display, clearly teaches;

wherein the controller requests the display, at a conclusion of a predetermined period of time, so as to perform any one of following operations:

- i) having blanked display; and
- ii) switching the contents data to different contents data. **(Device 10 can display an advertisement for a given period of time then change the advertisement when a specific time period has passed, see paragraph [0039] of Lilleness.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have changed the displayed contents after a certain time period, as taught by Lilleness et al., in the system disclosed by Haughawout et al. for the advantage of associating advertising with the displayed content, see paragraph [0039] of Lilleness.

Consider **claim 28**, Haughawout et al. combined with Lilleness et al., as in claim 25, clearly teach a system for controlling a device using a portable electronic interactive unit with automatically updating display;

The interactive remote control unit as defined in claim 21 (**portable electronic device 10**), wherein the unit changes information shown in the display without regard to a request entered through the entry section.  
**(Device 10 can display an advertisement for a given period of time then change the advertisement when a specific time period has passed, see paragraph [0039] of Lilleness.)**

8. Claims 5, 7, 9, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Haughawout et al. (US Patent Application Publication 2003/0117427)** in view of **Mitchell (US Patent Application Publication 2002/0162120)**.

Consider **claim 5**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 4 (**portable electronic device 10**), wherein in response to a request through the entry section, for selecting specific content --which includes any one of i) a broadcasting program and ii) information distributed by a video-on-demand service **(Device 10 may be controlled via hard or soft keys, see paragraph [0020], to select broadcast programming as seen in Fig. 6., see paragraph [0030].)**

However, Haughawout et al. do not explicitly teach showing a motion picture on the display of selected content. Specifically, Haughawout et al. do not teach:

among the EPG shown in the display, the display shows a motion picture of the content specified.

In the same field of endeavor Mitchell, which discloses a system for supplying supplemental content to a remote device, clearly teaches;

among the EPG shown in the display, the display shows a motion picture of the content specified. **(Remote device 204 seen in Fig. 2 is capable of displaying video of selected content, see paragraphs [0042] and**

**[0043]. Mitchell)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided a motion picture to the display of the handheld device, as taught by Mitchell, in the system disclosed by Haughawout et al. for the advantage of allowing the user to view addition video content without impacting the video content being presented on the television screen, see paragraph [0004] of Mitchell.

Consider **claim 7**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 6 (**portable electronic device 10**), wherein in response to a request through the entry section, for selecting a broadcasting program from the EPG (Device 10 **may be controlled via hard or soft keys, see paragraph [0020], to select broadcast programming as seen in Fig. 6., see paragraph [0030].**)

However, Haughawout et al. do not explicitly teach showing a motion picture on the display of selected content. Specifically, Haughawout et al. do not teach:

the display shows a motion picture of the broadcasting program.

In the same field of endeavor Mitchell, which discloses a system for supplying supplemental content to a remote device, clearly teaches;

the display shows a motion picture of the broadcasting program. (**Remote device 204 seen in Fig. 2 is capable of displaying video of selected content, see paragraphs [0042] and [0043]. Mitchell**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided a motion picture to the display of the handheld device, as taught by Mitchell, in the system disclosed by Haughawout et al. for the advantage of allowing the user to view addition video content without impacting the video content being presented on the television screen, see paragraph [0004] of Mitchell.

Consider **claim 9**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 8 (**portable electronic device 10**), wherein in response to a request through the entry section, for selecting a data-broadcasting program from the data-

broadcasting program guide (Device 10 may be controlled via hard or soft keys, see paragraph [0020], to select broadcast programming as seen in Fig. 6, see paragraph [0030].)

However, Haughawout et al. do not explicitly teach showing a motion picture on the display of selected content. Specifically, Haughawout et al. do not teach:

the display shows a motion picture of the data-broadcasting program.

In the same field of endeavor Mitchell, which discloses a system for supplying supplemental content to a remote device, clearly teaches;

the display shows a motion picture of the data-broadcasting program.  
(Remote device 204 seen in Fig. 2 is capable of displaying video of selected content, see paragraphs [0042] and [0043]. Mitchell)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided a motion picture to the display of the handheld device, as taught by Mitchell, in the system disclosed by Haughawout et al. for the advantage of allowing the user to view addition video content without impacting the video content being presented on the television screen, see paragraph [0004] of Mitchell.

Consider **claim 23**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**)

However, Haughawout et al. do not explicitly teach playing sound from the handheld unit. Specifically, Haughawout et al. do not teach:

wherein the unit outputs sound so as to correspond to the information contents shown in the display.

In the same field of endeavor Mitchell, which discloses a system for supplying supplemental content to a remote device, clearly teaches;

wherein the unit outputs sound so as to correspond to the information contents shown in the display. (The additional data provided to remote device 204 of Fig. 2 can include audio information, see paragraph [0022] of Mitchell.)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have played sound from the handheld unit to correspond to the content displayed, as taught by Mitchell, in the system disclosed by Haughawout et al. for the advantage of providing the user with a greater variety of information content that can be utilized, see paragraph [0022] of Mitchell.

Consider **claim 24**, Haughawout et al. combined with Mitchell, as in claim 23, clearly teach a system for controlling a device using a portable electronic interactive unit with audio capabilities;

The interactive remote control unit as defined in claim 23 (**portable electronic device 10**), wherein the unit controls volume of the sound in response to a request entered through the entry section. (**Control buttons 234 of Fig. 2 include volume control buttons, see paragraph [0039] of Mitchell.**)

9. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Haughawout et al. (US Patent Application Publication 2003/0117427)** in view of **Chiang (US Patent 6,809,759)**.

Consider **claim 14**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**)

However, Haughawout et al. do not explicitly teach the device to be controlled is a camera. Specifically, Haughawout et al. do not teach:

wherein the device to be controlled is a camera, and the signal contains at least any one of i) information on operating condition of the camera; and ii) a video signal captured by the camera.

In the same field of endeavor Chiang, which discloses a system controlling a camera via a remote control unit, clearly teaches;

wherein the device to be controlled is a camera, and the signal contains at least any one of i) information on operating condition of the camera; and ii) a video signal captured by the camera. (**Fig. 4 depicts a camera 11 under the control of a remote control 20. The camera 11 sends**

**image information to the remote control 20 and the remote control 20 sends control information to the camera 11, see column 4 lines 15 – 49. Chiang)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used the remote to control a camera, as taught by Chiang, in the system disclosed by Haughawout et al. for the advantage of allowing the user to be remote from the camera yet still able to view the captured image, see column 1 lines 15-37 of Chiang.

Consider **claim 15**, Haughawout et al. combined with Chiang, as in claim 14, clearly teach a system for controlling a camera using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 14 (**portable electronic device 10**), wherein in response to a request according to the operating condition and the video signal through the entry section, the remote control unit controls the camera for at least any one of i) determining an angle; ii) zooming; and iii) focusing. (**The remote control 20 can instruct the camera to perform zoom, exposure, depth of field or focus, column 4 lines 44-49. Chiang**)

10. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Haughawout et al. (US Patent Application Publication 2003/0117427)** in view of **Dimitrova et al. (US Patent Application Publication 2006/0041915)**.

Consider **claim 10**, Haughawout et al. clearly teach a system for controlling a device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 1 (**portable electronic device 10**)

However, Haughawout et al. do not explicitly teach the device to be controlled is a recording/reproducing device. Specifically, Haughawout et al. do not teach:

wherein the device to be controlled is a recording/reproducing device, and the signal contains table-of-contents information on motion pictures recorded in a recording medium employed for the recording/reproducing device.

In the same field of endeavor Dimitrova et al., which discloses a system for controlling devices using a remote with a display, clearly teaches;

wherein the device to be controlled is a recording/reproducing device, and the signal contains table-of-contents information on motion pictures recorded in a recording medium employed for the recording/reproducing device. (**The device to be controlled can be digital video recorded 32, as shown in Fig. 1. When the DVR is selected a listing of recorded material is presented to the user, see paragraph [0030] of Dimitrova et al.**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have displayed the table of contents of a recording device on the remote device, as taught by Dimitrova et al., in the system disclosed by Haughawout et al. for the advantage of displaying the recoded contents with out changing the contents being displayed on the television, see paragraph [0003] of Dimitrova et al.

Consider **claim 11**, Haughawout et al. combined with Dimitrova et al., as in claim 10, clearly teach a system for controlling a recording device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 10 (**portable electronic device 10**), wherein in response to a request through the entry section, for selecting an item from the table-of-contents information, the display shows a motion picture corresponding to the item selected. (**The display of handheld controller 50, see Fig. 1, shows the chosen recorded material when it is selected, see paragraph [0030] of Dimitrova et al.**)

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Haughawout et al. (US Patent Application Publication 2003/0117427)** in view of **Dimitrova et al. (US Patent Application Publication 2006/0041915)** in further view of **Mitchell (US Patent Application Publication 2002/0162120)**.

Consider **claim 12**, Haughawout et al. combined with Dimitrova et al., as in claim 10, clearly teach a system for controlling a recording device using a portable electronic interactive unit;

The interactive remote control unit as defined in claim 10 (**portable electronic device 10**), wherein the recording/reproducing device (**DVR 32** of Dimitrova et al.)

However, Haughawout et al. combined with Dimitrova et al., as in claim 10, do not explicitly teach the recording device is a hard disk video recorder. Specifically, Haughawout et al. do not teach:

is any one of i) a video cassette recorder; ii) a hard disk video recorder; and iii) an optical disk video recorder.

In the same field of endeavor Mitchell, which discloses a system for supplying supplemental content to a remote device, clearly teaches;

is any one of i) a video cassette recorder; ii) a hard disk video recorder; and iii) an optical disk video recorder. (**The STB 102 may be interfaced with a digital storage device 304, see Fig. 3, which can include a hard disk drive, see paragraph [0044] of Mitchell.**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a hard disk video recorder, as taught by Mitchell, in the system disclosed by Haughawout et al. combined with Dimitrova et al., as in claim 10, for the advantage of recoding the video information in a digital format, see paragraph [0044] of Mitchell.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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